

Message Text

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ACTION AF-18

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03

NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15 USIA-12

NEA-10 IO-13 SY-10 EUR-25 RSR-01 /142 W

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R 021130Z JUL 73

FM AMEMBASSY KHARTOUM

TO SECSTATE WASHDC 6754

C O N F I D E N T I A L KHARTOUM 1486

E.O. 11652: GDS

TAGS: PINS, US

SUBJ: TRIAL OF TERRORISTS

REF: STATE 125944

1. RESPONSE KEYED TO QUERIES POSED REFTEL ARE AS FOLLOW
(AND PERTAIN TO TRIAL RATHER THAN MAGISTERIAL INQUIRY):

A. ATTENDANCE US LAWYER. IF TRIAL IS OPEN, BELIEVE GOS
WOULD PERMIT (BUT NOT WELCOME) USG LAWYER ATTEND. IF TRIAL
RESTRICTED, GOS WOULD PROBABLY ALSO PERMIT OBSERVATION, BUT
WE MIGHT BE REQUIRED REQUEST IT AND APPROVAL COULD BE GRUDGING.
I WONDER, HOWEVER, IF PRESENCE USG LAWYER AT TRIAL WOULD
NECESSARILY BE HELPFUL. IN ADDITION TO LANGUAGE LIMITATION
AND PROBABLE UNFAMILIARITY WITH SUDANESE LAW, HE COULD
BECOME FOCAL POINT FOR WHAT GOS EXPECTS MAY BE FOREIGN PRESS
CORPS OF SOME 200 AND HIS EVERY REACTION SUBJECT TO SCRUTINY.

B. FOREIGN MISSION OBSERVERS. OUR OWN PLANNING HAS
ALWAYS PRESUMED THAT EMBASSY WOULD HAVE OBSERVER
EITHER OFFICIALLY OR UNDER COVER PRESS CREDENTIALS. WE HAVE
SEVERAL BILINGUAL MATURE SUDANESE EMPLOYEES WITH GOOD
COMMUNITY CONTACTS WHO HAVE BEEN ALERTED FOR SEVERAL WEEKS
THAT THEY MIGHT ALTERNATE AT DAILY ATTENDANCE TO TAKE NOTES
AND REPORT. IF EMBASSY INITIALLY NOT PERMITTED HAVE OBSERVER,
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BELIEVE WE SHOULD FORMALLY REQUEST SUCH ATTENDANCE AS

MATTER INTERNATIONAL COMITY.

C. LOCAL SUDANESE LEGAL ADVICE. READILY AVAILABLE AND
ALREADY BEING TAPPED BY EMBASSY ON INFORMAL BASIS.

D. US LEGAL EXPERT. UNCLEAR WHETHER THIS INDIVIDUAL
WOULD BE SAME PERSON MENTIONED PARA A. IF NOT, USEFULNESS
PROBABLY DEPENDS ON EXTENT HE WOULD BE HANDICAPPED BY NOT
ATTENDING TRIAL. HE WOULD, OF COURSE, BE MORE REMOVED
FROM PRESS FOCUS AND FREE TO CONSULT WITH SUDANESE ATTORNEYS.

2. ADDITIONAL CONSIDERATIONS.

A. COORDINATION WITH BELGIUM. I KEEP IN PERIODIC TOUCH
WITH TEMPORARILY-ACCREDITED BELGIAN CHARGE (CONCURRENT DCM
IN CAIRO, BUT HIS PERMANENT TRANSFER HERE IS PENDING) AND HAVE
DISCUSSED QUESTION SUCH AS POSED REFTEL ON SEVERAL OCCASIONS.
ONE OF MY THOUGHTS HAS BEEN TO MAKE PARALLEL DEMARCHES SHOULD
GOS INITIALLY REFUSE PERMISSION EMBASSY OBSERVERS. A JOINT
US-BELGIAN APPROACH UNDER INSTRUCTION WOULD DIFFUSE THE GOS-
USG-PLO TRIANGLE AND THUS FACILITATE GOS ACCEPTANCE ON GROUNDS
LEGITIMATE INTEREST AGGRIEVED FOREIGN PARTIES. BELGIAN CHARGE
HAS BEEN RECEPTIVE IN THEORY, BUT HAS NOT, TO MY KNOWLEDGE,
DISCUSSED THE MATTER WITH BRUSSELS. EVEN ASIDE FROM ANY
SPECIFIC ISSUE, HOWEVER, I THINK US CONSULTATION WITH GOB
HERE AND IN CAPITALS COULD HAVE POTENTIAL VALUE. IN THAT
REGARD, DEPT MAY RECALL US TOOK INITIATIVE IN TRANSPORTING BODY
GUY EID TO CAIRO VIA USAF TRANSPORT. US AND BELGIM HAVE
HAD SIMILAR AFFRONT, WE HOPE FOR SUBSTANTIAL SENTENCES, AND,
SHOULD GROUNDS FOR COMPLAINT DEVELOP, JOINT POSITION WOULD
SEEM POLITICALLY WISE FOR BOTH OF US AS WELL AS GOS.

B. LOCAL LEGAL COUNSEL. AS NOTED PARA 1C, EMBASSY
ALREADY GETTING INFORMAL LEGAL COMMENTS FROM SUDANESE
ATTORNEYS. WHETHER US LEGAL REP DOES OR DOES NOT ASSIST,
IT MIGHT BE BEST TO HAVE SUDANESE ATTORNEY(S) ON RETAINER
TO ENSURE DIRECT PROFESSIONAL ATTENTION. WE ARE THUS LOOK-
ING INTO BACKGROUND AND ASSOCIATIONS SEVERAL SUDANESE
LAWYERS WELL AND FAVORABLY KNOWN TO EMBASSY (AND WHO WERE
PERSONAL FRIENDS EITHER AMB NOEL OR CURT MOORE). ONE OF
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THESE ATTORNEYS MAY SHORTLY BE PUT ON RETAINER BY BELGIAN
EMBASSY FOR THEIR NORMAL LEGAL WORK AS WELL AS TRIAL. WE
THUS MIGHT BE ABLE TO SHARE HIS SERVICES, OR, ALTERNATELY,
SEEK ANOTHER IN ORDER TO BROADEN THE COVERAGE.

3. ACTION REQUESTED: FOREGOING COMMENTS ARE NECESSARILY
TENTATIVE PENDING ANNOUNCEMENT TRIAL DATES AND ACCESS.
WOULD MUCH APPRECIATE FURTHER EXCHANGE WITH DEPARTMENT ON

TOPIC, PARTICULARLY REACTION TO (A) USG-BELGIAN CONSULTATION,
AND (B) HIRING OF LOCAL ATTORNEY.
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